


JOSEPH M. BOTELHO
Plaintiff,
v.
ASHBEL T. WALL, Director,
Rhode Island Department of
Corrections
Defendant.

The Report and Recommendation of United States Magistrate Judge Jacob Hagopian filed on February 16, 2006, in the above-captioned matter is accepted pursuant to Title 28 United States Code § 636(b)(1). Defendant's motion to dismiss pursuant to Fed.R.Civ.P.12(b)(1) is DENIED. Defendant's motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(6) is GRANTED and Plaintiff's objections are DENIED.

By Order,

Deputy Clerk

William E. Smith
United States District Judge

Date: 3/28/06